

Testimony By The Honorable Jan Brewer

Arizona Secretary of State

Mr. Chairman and members of the House Administration Committee, my name is Jan Brewer, Arizona Secretary of State. On behalf of the State of Arizona, let me welcome all of you to our wonderful state, we are indeed very honored you chose Arizona as a location to conduct this field hearing.

Please allow me to also acknowledge the very hard work and leadership your House Administration Committee has shown in preparing this meeting today. Too often we fail to acknowledge the effort that you Members of Congress and your staff are making to travel to places like Arizona and hear first hand some of the impressions and experiences we have. We know your time is valuable, and we appreciate the work all of you are doing.

I am also very honored for the opportunity to participate in today's congressional hearing to discuss identification at the polls and proof of citizenship requirements when registering to vote.

Recently, Chairman Ehlers, you stated that registering to vote in this country "without ever having to provide proof of citizenship... is a problem, and it deserves thoughtful attention from this committee in order to explore possible solutions."

Such is exactly the sentiments that the citizens of Arizona addressed back in 2004.

As you already know, Arizonan's overwhelmingly passed Proposition 200 which requires all new voter registration applications to be accompanied by sufficient proof of citizenship, and voters must now present identification at the polls before receiving a ballot.

Clearly, the voters of Arizona have shown their strong support for stricter requirements surrounding both voter registration and voting at the polling place as an additional tool in combating potential voter fraud.

In the limited time I have before you, I want to emphasize three critical points regarding Arizona's experience in implementing these new requirements.

1. First, ID at the polls has now been successfully implemented at three separate local elections in Arizona. Each time with very positive results. During each of those local elections, few individuals arrived without sufficient identification, and for those who didn't, our procedures allowed for their participation by voting a provisional ballot and returning within 3 days with proper identification. Ultimately, the fears of harassment and intimidation of voters that were previously espoused by critics; have not come to fruition.

2. The second point is that the "proof of citizenship" requirements for voter registration have now been fully implemented in all 15 counties of Arizona for over a year and a half. At the time of passage there were many fears and anxieties that predicted voter registration would drop and a lower voter turnout would result. Such has not been the case. In fact, Arizona's current voter registration is at record highs.

Moreover, I believe this requirement furthers the purpose of the Help America Vote Act of 2002 as passed by Congress, which establishes a clear national policy of verifying the accuracy of voter registrations through a centralized and statewide voter registration system.

3. The final point I wish to emphasize today is that the only problem we have experienced to date in implementing our new voter registration requirement is the direct result of the United States Election Assistance Commission, which has refused to instruct Arizonans registering to vote using the Federal Form on our proof of citizenship requirement. As a result, the EAC has placed itself in the unenviable position of disenfranchising voters here in Arizona.

Despite being told by the federal court that its position on this matter is wrong as a matter of law, the EAC continues to misinform Arizona voters using the Federal Form. The EAC seems to have forgot that our job as election administrators is to educate voters and reduce voter confusion. The EAC's current stand on this issue does neither.

ID at the Polls

Let me begin by further discussing our ID at the polls requirement. This requirement builds integrity into our election process by requiring those who vote at the polls to establish their identity. In the past, a voter

simply had to sign the register next to that person's name. If someone forged another voter's signature and voted a ballot, there was no way to remedy the fraud that occurred.

Although there continues to be opposition to this requirement and several lawsuits have been filed to undermine it, the truth is that the citizens prior to the 2004 vote debated the merits of requiring ID at the polls and it overwhelmingly passed.

The procedure that I drafted to implement ID at the polls has been approved by Arizona's Governor and Attorney General and was precleared by the United States Department of Justice. This procedure fairly implements this law by allowing a wide variety of identifications, including driver's licenses, utility bills, and bank statements, yet still permits voters without sufficient identification to produce ID within a reasonable period of time to assure their ballot is counted.

The following is a list of acceptable identifications:

Photograph, name, and address of the elector (1 required)

- Valid Arizona driver license

- Valid Arizona non-operating identification license

- Tribal enrollment card or other form of tribal identification

- Valid United States federal, state, or local government issued identification

Without a photograph with the name and address of the elector (two required)

- Utility bill of the elector that is dated within ninety days of the date of the election. A utility bill may be for electric, gas, water, solid waste, sewer, telephone, cellular phone, or cable television

- Bank or credit union statement that is dated within ninety days of the date of the election

- Valid Arizona Vehicle Registration

- Indian census card

- Property tax statement of the elector's residence

- Tribal enrollment card or other form of tribal identification

- Vehicle insurance card

- Recorder's Certificate

- Valid United States federal, state, or local government issued identification, including a voter registration card issued by the county recorder

As I mentioned, those without proper identification will still be given a "conditional provisional ballot" which will be counted if the voter returns with proper identification to a site designated by the county recorder within five days after a general election and three days after all other elections.

The ID procedure has specific provisions for our Native American voters - whose unique status is already established in other federal laws. These citizens are permitted to cast a provisional ballot by simply showing one form of tribal identification, and do not have to produce any other identification after the election.

Ultimately, the ID at the polls law was successfully implemented at several local elections around the state beginning last November. The reports I have received from our local election officials is that very few voters showed up at the polls with insufficient identification and among those that did, most all were later able to produce sufficient identification in order to have their ballots cast. There simply was not widespread problems with this law as many feared. The truth is under our procedure no one - I repeat NO ONE - is turned away at the polls.

Proof of Citizenship

Members of the Committee, Arizona's new law also requires that all new voters provided evidence of U.S. citizenship when registering to vote. This provision squares with the national policy established in the Help America Vote Act of verifying the accuracy and integrity of our voter registration data.

HAVA has several provisions that specifically address the accuracy of a voter's eligibility, including:

- HAVA requires states to verify the information received from voter registration applicants through a statewide system, and requires that State's ensure such voter registration records are "accurate." This statewide, uniform system must also "make reasonable efforts to remove registrants who are ineligible to vote." See Section 303(a)(2)(B)(4) of HAVA.

- HAVA requires applicants provide driver's license or social security numbers on their voter registration forms to enable states to determine whether the information provided by a voter can be verified against the Motor Vehicle Division and Social Security Administration databases for accuracy.
- And HAVA has a provision that requires first time voters who register by mail to produce identification when registering or voting for the first time.

These provisions alone provide sufficient authority for states to require proof of citizenship, since citizenship is a basic eligibility requirement under state (and federal) law.

Requiring such proof is, in fact, necessary to ensure the accuracy of state registration records and to remove ineligible individuals who might otherwise become or stay registered.

Arizona's Voter Registration Numbers keep going up

Once again, despite predictions to the contrary, since 2004, Arizona's voter registration rate has increased by double digits. The increase in voter registration from March of 2004 through March of 2006 was an impressive 15.4 percent. That would be the second highest increase in recent Arizona history.

Clearly, Proposition 200 has not had a negative effect on voter registration. Indeed, the primary means of providing proof of citizenship is an Arizona driver license, which approximately 9 out of 10 Arizona voters possess.

Indeed, under my administration, we have successfully integrated the Arizona driver license application and voter registration form into one document. This integration along with our "EZ Voter" online voter registration system (which is the only true online voter registration system in the country), has made voter registration easier and faster then ever and has significantly contributed to the dramatic increase in Arizona's voter registration numbers. Today, over 50% of Arizonan's register to vote electronically, thus reducing errors, registering faster, and easier.

EAC

This leads me to my third major point, which is that the only problem we have experienced in implementing our new voter registration requirement has come at the hands of the federal Election Assistance Commission (EAC).

As election officials, we should all share the common goal of educating voters about their fundamental right to vote and reducing voter confusion whenever possible. The EAC's refusal to instruct Arizona voters about the proof of citizenship requirement for those voters using the Federal voter registration form has unnecessarily and inexcusably resulted in the rejection of many voter registration forms.

Its important to note that the EAC's refusal to instruct Arizona voters about our proof of citizenship requirement is based on its incorrect interpretation of the National Voter Registration Act - an interpretation that federal district court here soundly rejected just a few weeks ago. Amazingly, despite this ruling, the EAC recently voted NOT to change its policy of refusing to properly instruct Arizona voters using the Federal Form about Arizona law.

In its ruling the federal judge specifically noted that:

"Determining whether an individual is a United States citizen is of paramount importance when determining his or her eligibility to vote."

Furthermore, it is worth noting that the United States Department of Justice pre-cleared this process in accordance with Section 5 of the Voting Rights Act and in doing so specifically determined that it would not have a discriminatory impact on minority voting rights here in Arizona.

CONCLUSION

In conclusion, I want to note that I spent nearly all of last year fighting to implement the new ID at the polls requirement as passed by over one million voters through Proposition 200. These unfortunate battles to honor the will of the voters unnecessarily delayed this important voting reform. It's now in place and it's time to move forward.

I have and will continue to emphasize the importance of educating voters about the new voting laws to assure that every voter who goes to the polls this Fall knows to bring their proper identification.

It has truly been an honor to appear before you today.
Mr. Chairman, and members of the Committee, thank you for this opportunity and I hope you enjoy your stay in our wonderful State.